

ARBITRATION DECISION NO.:

481A

UNION:

OCSEA, Local 11, AFSCME, AFL-CIO

EMPLOYER:

Department of Rehabilitation
and Correction,
Correctional Reception Center

DATE OF ARBITRATION:

November 5, 12 and 17, 1992

DATE OF DECISION:

December 26, 1992

GRIEVANT:

Spaun Peace and
William Whiting

OCB GRIEVANCE NO.:

27-05-(92-02-12)-0195-01-03 and
27-05-(92-02-11)-0194-01-03

ARBITRATOR:

Douglas E. Ray

FOR THE UNION:

Dane Braddy,
Staff Representative
Donald W. Conley,
Associate General Counsel

FOR THE EMPLOYER:

Roger A. Coe,
Labor Relations Officer
Sharon L. Hilliard,
Labor Relations Specialist

KEY WORDS:

Award Clarification
Removal
Remedy

ARTICLES:

Article 24 - Discipline

FACTS:

In a previous arbitration decision the arbitrator overturned the removal of the grievants. The arbitrator retained jurisdiction over the case until the appropriate remedy was implemented by management. The

parties were able to agree on a portion of the remedy, but not on other portions of the remedy. In order to resolve the case the parties resubmitted the issue of the remedy to the arbitrator.

ARBITRATOR'S CLARIFICATION:

The grievances were sustained, and the Arbitrator retained jurisdiction for 60 days in the event the State and the Union were unable to agree on implementation. During the process of working out the appropriate remedy the parties mutually agreed on several occasions to extend the arbitrator's jurisdiction over the case. On May 4, 1993, following a hearing, the Arbitrator clarified the remedy by ordering the following:

1. The grievants were entitled to missed overtime opportunities from January 19, 1993 to March 19, 1993 including:
 - a. 55.37 hours at the present overtime rate for each grievant,
 - b. overtime opportunities for the second grievant excluded areas which require transportation of inmates until he obtained a valid Ohio drivers' license with full driving privileges, and
 - c. overtime opportunities for each grievant excluded areas which require a weapon until each became weapon qualified;

2. The State was required to pay a total of \$684.60 for outstanding medical bills for the second grievant's children. The funds were to be paid directly to the providers unless the bills had already been paid by another source;

3. The second grievant's current assignment was to remain the same for up to 30 calendar days to allow him an opportunity to obtain an Ohio drivers, license. The second grievant was given 30 calendar days (beginning May 4, 1993) to obtain such license. If he successfully obtained a license within the 30 day period, the current assignment designation would be dropped, and he would be returned to an A & O Officer assignment. However, if he failed to obtain a license within the 30-day period, he would be required to bid for available openings which did not require a driver's license; and

4. The grievants were not entitled to roll call pay.

TEXT OF THE OPINION:

In the Matter of
Arbitration Between:

**STATE OF OHIO,
DEPARTMENT OF REHABILITATION
AND CORRECTION**

**OHIO CIVIL SERVICE EMPLOYEES
ASSOCIATION, LOCAL 11,
AFSCME, AFL/CIO**

Re: Case No's.
27-05-(92-02-12)-0195-01-03 and
27-05-(92-02-11)-0194-01-03

Grievants:
Spaun Peace and
William Whiting
Hearing held:

November 5, 12 and 17, 1992,
in Orient and Columbus, Ohio
Decision issued:
December 26, 1992,
in Toledo, Ohio after receipt of
post-hearing written position statements.

Appearances:
State of Ohio
Roger A. Coe,
Labor Relations Officer
Sharon L. Hilliard,
Labor Relations Specialist

OCSEA
Dane Braddy,
Staff Representative
Donald W. Conley,
Associate General Counsel

Arbitrator:
Douglas E. Ray

May 4, 1993 - Remedy Phase

1. Missed overtime or opportunities from January 19, 1993 to march 19, 1993 for Peace and Whiting:
 - a) 55.37 hours at the present overtime rate for each grievant.
 - b) Overtime opportunities for Whiting will exclude areas which require transportation until he obtains his Ohio driver's license with full driver's privileges.
 - c) Overtime opportunities for each will exclude areas of which require a weapon until he is weapons qualified.
2. Unpaid medical bills:

Management will pay a total of \$684.60 for outstanding medical bills concerning Jeff Whiting's children. Bills are to be paid directly to the providers provided that such bills have not been paid by any other source.

3. Appropriate classification/assignment for Jeff Whiting:

Whiting's current assignment will remain as is (A & D/Utility) for up to 30 calendar days to allow him to obtain a valid Ohio driver's license with full driving privileges. Whiting will be given 30 calendar days beginning today to obtain such driver's license. If he meets that condition, the utility designation will be dropped from his assignment and he will be returned to A & D Officer. If he fails to obtain such a driver's license with full driver's privileges within 30 days, he will be required to bid for available openings which do not require the driver's license.

4. Roll call pay:

Relief is denied for this issue.

Douglas E. Ray
Arbitrator

May 4, 1993
Columbus, Ohio
County of Franklin